

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2308 OF 2024

Saif Kaleem Shaikh ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Rameshwar N. Gite a/w. Mr. Sushant N. Tare for Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 03, 2024

P.C. :

. Heard Mr. Gite, learned counsel for the applicant and Ms.Ambekar, learned APP for the respondent-State.

2. The applicant has filed this application seeking anticipatory bail in the context of an FIR registered as far back as on 05.08.2019 at Deolali Camp Police Station, District - Nashik City, for offences under Sections 406 and 420 of the Indian Penal Code, 1860 (IPC). The charge-sheet, in the present case, was filed as far back as on 25.03.2021.

3. The order of the Sessions Court specifically records that the applicant remained absconding. In fact he left India and went to Qatar for the period between 2019 and 2024 and even a proclamation under Section 82 of the Code of Criminal Procedure, 1973 (Cr.P.C.) was issued against him.

4. In this situation, the very maintainability of the present application seeking anticipatory bail is rendered doubtful. In fact, as per settled law recognized by the Supreme Court in various cases, including in the case of *Prem Shankar Prasad Vs. State of Bihar and another*,

(2022) 14 SCC 516, it has been laid down that in situations where proclamation proceedings under Section 82 of the Cr.P.C. have been undertaken against absconding accused persons, the anticipatory bail application cannot be entertained.

5. On this short ground, the present application is dismissed.

(MANISH PITALE, J.)

Minal Parab